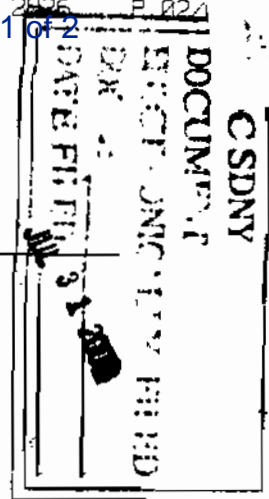




U.S. Department of Justice

United States Attorney
Southern District of New YorkThe Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

July 30, 2008

**BY FAX**The Honorable George B. Daniels
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007**SO ORDER**The conference is rescheduled for
September 3, 2008 at 10:30 a.m.
HON. GEORGE B. DANIELS

JUL 31 2008

Re: *United States v. Richard Espinosa, et al.*,
07 Cr. 501 (GBD)

Dear Judge Daniels:

I am writing to seek to adjourn a pre-trial conference and to exclude time in the above-referenced case. At a pre-trial conference on June 18, 2008, Your Honor set a pre-trial conference for July 31, 2008 at 9:30 am. The Court indicated that it would set a trial date and schedule at that conference, basing such schedules on the defendants who remained in the case, and indicating that a trial date would likely be set for the end of this year. All defense counsel and I have been discussing potential pre-trial dispositions for the various defendants in this case. The Government is presently discussing with Chambers and defense counsel potential plea dates for defendants Manuel Espinosa and Raymundo Morales. Defense counsel for defendants Richard Espinosa¹ and Christian Bernabe are presently on vacation, but the Government and they are in active plea negotiations that will likely conclude by the end of August. Counsel for defendant Jose Cosme and the Government are also in active plea negotiations, and will likely know whether there will be a disposition by the end of August. Defendant Adrian Bernabe has agreed to plead guilty in Georgia pursuant to a Rule 20 transfer, and I am presently working with an Assistant United States Attorney in the Northern District of Georgia in order to complete all paperwork necessary to facilitate such a plea.

Accordingly, we request a short adjournment until September 3, 2008, to determine which defendants will still seek to go to trial, enable defendants to plead, and better enable the

¹ Defendant Richard Espinosa was recently arrested in New Jersey on charges stemming from conduct that occurred prior to his arrest in this case. He is still detained and so would be unavailable to attend the July 31, 2008 conference in any case.

Hon. George B. Daniels
July 30, 2008
Page 2 of 2

Court to efficiently schedule such a trial for any remaining defendants, tailored to the number of defendants remaining. Such an adjournment would not delay the trial, and both the Government and the defendants can begin preparing for an expected trial date in late 2008.


Additionally, the Government respectfully requests that time be excluded until the next pre-trial conference under the Speedy Trial Act, Title 18, United States Code, Section 3161, *et seq.* so that the parties may continue to discuss disposition, defendants who choose to do so can prepare for and enter plea, and the defendants and defense counsel may review discovery and otherwise prepare for trial.

I have spoken with defense counsel for all six remaining defendants, who have consented to the adjournment and exclusion of time.

Respectfully submitted,

MICHAEL J. GARCIA
United States Attorney

By:


Michael D. Maimin
Assistant United States Attorney
Southern District of New York
(212) 637-2238

cc: Robert M. Baum, Esq. (counsel for Richard Espinosa)
Martine M. Beamon, Esq. (counsel for Raymondo Morales)
John D. Couriel, Esq. (counsel for Raymondo Morales)
Winston Lee, Esq. (counsel for Adrian Bernabe)
Jonathan Marks, Esq. (counsel for Christian Bernabe)
Edgardo Ramos, Esq. (counsel for Manuel Espinosa)
Frederick L. Sosinsky, Esq. (counsel for Jose Cosme)